

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO.: 5:09-CR-216-8FL

UNITED STATES OF AMERICA)	
)	MEMORANDUM OF LAW IN SUPPORT OF
vs.)	MOTION TO SEAL
)	
ZIYAD YAGHI,)	
)	
Defendant.)	

NOW COMES the Defendant, the Defendant, Ziyad Yaghi, by and through undersigned counsel, and shows unto this Honorable Court as follows:

1. This defendant filed a Motion For Emergency Hearing on November 2, 2010 and two proposed sealed documents (D.E. 640, 644) relating to the motion, with a Motion to Seal. However, defendant did not file an accompanying Memorandum of Law in support of the motions as required by Local Criminal Rule 47.1(b) and Section T of the court's CM/ECF Administrative Policies and Procedures Manual. For this oversight counsel apologized to the court at a hearing on November 16, 2010.

2. The Memorandum of Law filed herein is to remedy that oversight and counsel assures the court that such will not recur. Earlier counsel filed a Memorandum of Law in support of a Motion to Take Depositions in a Foreign Country (D.E. 487). The rationale and reasoning set forth in that Memorandum of Law is adopted and incorporated by reference as if fully set forth herein.

3. The Motion for Emergency Hearing sets forth the names of the proposed deponents or witnesses and such need not be disclosed to the public at this early stage of the proceedings. The Motion also details minute travel plans of counsel which for matters of safety

should not be made public. The related documents (the waiver) also mention the witnesses by name and should not be public at this time for the reasons set forth in D.E. 487 which is incorporated above.

WHEREFORE, Defendant Ziyad Yaghi requests that this court grant the Motions to Seal previously filed and seal the Motion for Emergency Hearing and related documents.

Respectfully submitted this 17th day of November, 2010.

/s/J. Douglas McCullough
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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that he has this day served a copy of the foregoing pleading upon the following parties to this case by depositing a copy of the same in the United States mail bearing sufficient postage or electronically:

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Respectfully submitted this 17th day of November, 2010.

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